

Islam, Forced Marriages and Pakistani Culture (An Analytical Overview)

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ABSTRACT

Matrimony is famous as a civil contract but it is a fact that this is also a religious and spiritual contract between the spouses which gives a chance to live happily and lawfully in the public in each of them. In Pakistani Society, parents and guardians are used to set up the matrimony publicly as a reverent family event through conferring their blessings and guidance for deciding about a life partner. They are the one who mostly choose the partner for their sons and daughters. In Islam, it is called "Wilā yah". A father, grandfather or sometime brother usually performs as Walī according to Islamic Sharia. However, it is noticed that the parents or guardians do not give importance to the will of couple and decide the fate of the couple forcefully.

We can see the example in kind of forced marriage, exchanged marriage, Wannī marriage etc. The new generation seems rebellion against such traditional approach and thus adopting nontraditional ways of marriages like court marriage, eloped marriage, love marriage etc. They are not only reluctant to accept the family decision but also taking steps to decide about their marriage themselves. Although Islam allows the parents to make arrangements of their children especially for marriage as they are the most sincere and true members among all human but never says to decide about it without their consent. This paper deals with such conflicts between both approaches and locates real Islamic picture within the context of existing Sharia's injections.

Keywords: *Consent for Marriage, Forced Marriage, Islamic Wedding, Pakistani Culture*

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Introduction:

Marriage is a social and spiritual contract whereby a man and woman are made life partner by religious and legal commitment for whole life. It is an Islamic procedure to secure the Muslims, especially from sins and evil acts. Marriage has a very important role in the life of human beings, due to which two families get closer. This is not only confluence of two bodies and two souls, which make a family, but this is the formation of the society subsequently. The Islamic intellectual therefore always expressed and favored a married life in performing extra obligatory actions. ⁽¹⁾

The Holy Qur'ā n says:

“And marry the unmarried among you and the righteous among your male slaves and female slaves”. ⁽²⁾

The Holy Prophet (S.W.A) advised the youth:

“O’ class of youth, who of you have potential (to carry the burden) of marriage, he should marry”. ⁽³⁾

Satisfaction and acceptance are, however, necessary for this contract by the both partners i.e. the bride and the groom. A good and lovely relationship is required in this association, which is probable in this case, that a guardian consults their daughters or sisters before engaging in contract. When the decision of marriage will be taken by heart from the side of spouse, then the life will be easy, trouble less and joyful. And if the decision will be taken on the basis of coercion, as a result of the difference of temperament, the breaches will certainly be produced in this relationship and this will be finished very easily.

The Period of Ignorance:

Looking back into the history before Islam, it is disclosed that the women's condition was not good; she was considered like insects in pagan Arab. Whereas she was deprived of all basic rights, even she couldn't select and chose her life partner. ⁽⁴⁾ The woman was a victim of persecution. All decisions related to the woman's life were taken by her father and brother and she couldn't raise her voice for her right. When a woman's husband expired, she was distributed as inheritance and stepson got married with his

(1) Ahmad, Jamī l, Mawlā nā , *Ashraf Al-Hidā yah Sharḥ Hidā yah*, Darul Ishā ‘at, Karachi, 1998, Vol: 4 p, 18

(2) Al-Qur'ā n, 81:24:32

(3) Al-Bukhā rī , Muhammad bin Ismā ‘ī l Al-Bukhā rī , *Sahī h Bukhā rī* , Kitā b Al-Nikā ḥ , Qadī mī Kutub Khā nā , Karachi 1961, vol:2, p.758

(4) Bashir Rind & Arshad Munir, *Huquq e Niswā n: Tā rī khī* , Tehzī bī wa Mazhabī taqā bulī mutā l'a, Al-Eda, Peshwar, issue:25, December 2012, PP: 35

stepmother, or in another case, the stepson had sexual relation with his stepmother without marriage. A similar situation was present in the entire world. The humanity was being exploded. The great early philosophers in all their magnificence and intellectual fame even motivated the misery of women. Plato believed and taught that if there is a bad man in the world, he would come back as the women in his second life.⁽¹⁾ Aristotle says that women are maimed men.⁽²⁾ The woman's condition was very pathetic and she was treated in an extremely painful way. It was the Holy Prophet Haḍrat Muhammad's social reforms that ceased such horrible immoral practices.⁽³⁾

Marriage in the Days of Ignorance:

In the overview of history, there were many evils in pre- Islamic Arabia. Such as the wrong concept of marriage, the status of woman was no more than asset for a man, she was bought and sold and was treated like a slave or a property, and her existence was considered dishonorable. The moral evils were common in the Arab society, due to which the Arab society was being increasingly sunk in the swamp.

Haḍrat 'Ā'ishah (May Allah be pleased with her) elucidated this matter in the Hadith reported by Al-Bukhaari narrated by 'Urwah Ibn Al-Zubayr (RA), Haḍrat 'Ā'ishah (RA) narrated him that there were four kinds of marriages in the days of ignorance which are followers:

Kind No. 1. This is matched to the Islamic way, which is present today. A man would request the hand of a lady from her guardian, or her father, or her brother. After accepting the message, the Mahr (dower) would settle and then the marriage would hold (after adopting all other procedures).

Kind No. 2. In this kind a man will give permission to his wife after the bath of period (menses) to visit so and so and keep sexual relation with that visited person. During this relationship, the husband would keep away himself from her and will never have sexual intercourse with her until pregnancy appeared from the other man with whom she had been asked for sexual intercourse. When she conceived from that man, then she came back to her husband and he (husband) would have sexual intercourse with her if he wished. The purpose of this function was bearing an intelligent and beautiful baby. Such a marriage was called as Al-Istibdā'.

Kind No. 3. In this kind of marriage a woman used to sleep with a group of ten people. Each one would have sexual relation with her

(1) Plato, *Timaeus*: Leob Classical Library. (Trans.) R. G. Bury. Heinemann, London, 1929 P:91

(2) Aristotle, *the Generation of Animals*. Leob Classical Library, 1943, P:175

(3) Carmody, Denis L. and John Carmody, *the Story of World Religions*. Mountain view, Mayfield, California, 1988, p:251

simultaneously. Upon pregnancy and delivering a child, she passed some days and then she would ask all of them to come to her. Upon her call, none of them would refuse to come. When they all assembled before her, she used to say to them, "You (all) know what you have done, and now I have given birth to a child. So, it is your child O so-and-so!" Naming whoever she liked, and her child would be attributed to him and he could not deny him.

Kind No. 4. The fourth form of marriage was that numerous people would involve in a sexual relationship with a woman and she had no right to reject anyone who came to her. Those were famous as prostitutes who used to fix banners at their doors as a sign [that they are prostitutes], and he who would wish, could have sexual intercourse with them. If any one of them got pregnant and delivered a child, then all those men would be gathered for her and they would call the *Qā'if* (some person skilled in recognizing the likeness of a child to his father) to them and would let the child be attributed to the man (whom they recognized as his father) and she would let him adhere to him and be called his son. The man would not refuse all that".⁽¹⁾

Although the atmosphere was on the whole not favorable for women in the pre Islamic era, but even then we can see many cases where the girl had been consulted in choosing the groom even in that period. The history tells that when Hārith bin 'Awf solicited a father for his consent to get married one of his three daughters, the two senior ones rejected to wed him, but the "Buhaytha" the youngest daughter agreed to accept 'Awf as a husband.⁽²⁾ Similarly, there is a proof of consent and consultation in the story of a famous poetess Al-Khansā' regarding her marriage. Her father consulted her regarding her wedding to Durayd bin al-Ṣimmah. Likewise, when Abu Sufyān and Suhayl ibn 'Amr sent a proposal for marrying Hind Binte 'Utbah, her father gave her the right to choose her husband, so she preferred Abu Sufyān and she married him.⁽³⁾

Islamic Marriage and its Importance:

The Holy Prophet (S.W.A) eradicated all the types of marriages, which were immoral and observed in pagan Arab except the type of marriage, which is present today and fulfills all the conditions and pillars of Islamic marriage.

(1) Al-Bukhārī, Kitāb Al-Nikāḥ, Chapter: Whoever said, "A marriage is not valid except through the Walī." No:5133

(2) Levy, Reubenq, The Social Structure of Islam, Cambridge University Press, Cambridge, 1957, p:93

(3) Al-Hafī, Ahmad: Al-mar'ah fil-Shi'r al-Jahiliyy, Dār Al-Nahḍat, Miṣr, Cairo, nd, p:184

In a Muslim and especially in Pakistani Community, a father, grandfather or uncle is the one who contract the marriage of a woman on her behalf. It is called Walī in Islamic Sharia. "Walī" is an Arabic word having meanings of "curator", "custodian", "helper", "protector", and "supporter". It can refer to someone who has "Wilayah" (authority or guardianship) over somebody else.⁽¹⁾ Traditional Muslim jurisprudence requires a guardian for an unmarried female who has not reached at the age of maturity⁽²⁾ as a protecting measure of her who may be swept by their sentiments. They presented some Ahādīth in which Holy Prophet said that no marriage is valid without the Walī.⁽³⁾ However, Hanafīs say that the female has the equal rights to make the agreement of his own marriage and there is no need of a Walī for the purpose.⁽⁴⁾ They also have the proof from Hadīth(s) in which Holy Prophet directed not to marry any female without her approval or consent.⁽⁵⁾ This is why Sahib e Hidāyah stated that the marriage of a free, sensible and mature woman either virgin or previously married is valid without the Walī.⁽⁶⁾ Although, the Pakistani woman has the right to decide her marriage without a guardian as stated in the law

"Consent of Walī is not required and a Muslim female can enter a valid Nikah/Marriage by her own free will"⁽⁷⁾

But it is not being practiced usually and commonly.

Islam doesn't appreciate pressuring in any aspect of life, even in the affair of marriage. Islam emphasizes to know the willingness of man and woman to choose his/her life partner and, therefore, disallows the forced marriage. The Muslim woman has the right of refusal and acceptance of the proposal of marriage, even against her parents' will.

Allah says in the Qur'ān:

"O you who have believed, it is not lawful for you to inherit women by compulsion".⁽⁸⁾

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- (1) Hans Wehr, Dictionary of Modern Written Arabic: Arabic-English, edited by J.M Cowan, 4th Revised Edition, Otto Harrassowitz, Germany, 1994, pp-1289
 - (2) Abdul Rahmān Al-Jazīrī, Kitāb Al-Fiqh 'Alā Al-Madhāhib Al-Arba'ah.
 - (3) Ahmad bin Hambal, Al-Musnad, Mu'assasat Al-Qur'ān, Cairo, Egypt, Hadīth No: 2260
 - (4) Al-Ḥibrī, 'Azīzah. "Islam, Law and Custom: Redefining Muslim Women's Rights." American University International Law Review 12, no. 1 (1997): 1-44.
 - (5) Al-Dārmī, Abu Muhammad Abdullah, Sunan Al-Dārmī, Chapter, Nikāḥ, Shabbīr brothers, Lahore, 2008, Hadīth No: 2222 to 2227
 - (6) Sakrodhvi, Jamīl Ahmad, Ashraf Al-Hidāyah, An explanation of Hidāyah, Kitab Al-Nikāḥ, Dār Al-Ishā'at, Karachi, 2009, pp. 49
 - (7) Rāshida Muhammad Husayn Patel, Family Laws and Judicial Perceptions
 - (8) Al-Qur'ān, 4:19

Prophet Mohammad (S.W.A) said,

“The widow and the divorced woman shall not be married until her order is obtained, and the virgin girl shall not be married until her permission is obtained”⁽¹⁾. Similarly, “the Holy Prophet (S.W.A), forbids to force a virgin lady into matrimony without her consent, whether it be her father or someone else. Moreover, Bī bī ‘Ā ‘ishah (RA) narrated that she questioned the Prophet (S.W.A) “In the case of a young girl whose parents marry her, should her permission be sought or not?” He responded, “Yes, she must give her permission.” She again requested, “But a virgin will be shy, O Allah's Messenger.” He replied: “Her silence is [considered as] her permission”.⁽²⁾

And “Ḥaḍ rat Abu Hurayrah (RA) states:

“That the Prophet (S.W.A) said: “No previously-married woman should be married off without being consulted, and no virgin should be married off without asking her permission.” They said: “O Messenger of Allah, what is her permission?” He said: “If she remains silent”.⁽³⁾

Similarly “Abdullā h Ibn ‘Abbā s (RA) narrates that the Holy Prophet (S.W.A) said that if a woman wants to marry and is already a divorcee or a widow, her right of free consent and free choice is superior then the right of her guardian. If she has not previously been married and this is her first marriage, even then her parents or other guardians cannot enforce their choice on her. They are not allowed to force her to marry any one against her free choice and free consent”.⁽⁴⁾

More is defined in the words of “Ḥaḍ rat Abu Hurayrah (RA), as, he narrates:

“The Prophet (S.W.A) said: An orphan virgin girl should be consulted about herself; if she says nothing that indicates her

(1) Al-Bukhārī , Kitā b Al-Nikā ḥ , Chapter: The father or the guardian cannot give a virgin or matron in marriage without her consent, No:5136

(2) Muslim, The Book of Marriage, Chapter: Seeking Consent of Al-Thayyibin Marriage in Words and of a virgin in (Meaningful) silence, No: 3306

(3) Muslim, The Book of Marriage (Kitā b Al-Nikā ḥ), Book 008, Number 3303 and Al-Bukhaari, 4843

(4) Al-Muslim, Book of Marriage, Chapter: Seeking Consent of Al-Thayyibin Marriage in Words and of a virgin in (Meaningful) silence, No: 3308

permission, but if she refuses, the authority of the guardian cannot be exercised against her will”.⁽¹⁾

Furthermore; Abdullā h Ibn ‘Abbā s (RA) states: “A virgin came to the Prophet (S.W.A) and mentioned that her father had married her against her will, so the Prophet (S.W.A) allowed her to exercise her choice”.⁽²⁾

“Khansā ’ Bint Hizā m Al Anṣ ariyyah (May Allah be pleased with her) states that her father married her off to someone forcefully whom she did not like. She took her case to the Holy Prophet (S.W.A) and upon listening to her; the Holy Prophet (S.W.A) rejected the marriage and declared the marriage as void”.⁽³⁾

Once a young woman came to Bī bī ‘Ā ’ishah (RA) and told that her father wedded her with his nephew while she disliked that nephew. Haḍ rat ‘Ā ’ishah (RA) asked her that she should wait for the Holy Prophet (S.W.A). When Haḍ rat Muhammad (S.W.A) came, she told him about her case. The Holy Prophet (S.W.A) allowed her to make a decision of the fate of her matrimony. The girl then replied that she upheld the decision of her father, but she only wanted to say that fathers have fewer powers in marrying their daughters”.⁽⁴⁾ This is explained from the above Qur’ā nic verse and the sayings of our Holy Prophet (S.W.A) that the permission is necessary of divorcee, widow and virgin (unmarried) for the marriage contract in Islam. Even the father or guardians cannot force her against her wish.

In short, we can find many sayings and directions of the Holy Prophet (S.W.A) on the subject matter. Given the importance of the need, Imā m Al-Bukhā rī has specified many chapters for the discussed subject i.e. “Force Marriage is not permitted”, “when a daughter is wedded without her permission than her wedding is null and void” and “Father etc cannot wed his daughter (virgin or not) except with her approval”. All above directions and practices explained that Islam has never seized the choice of will from women rather permission is obligatory”.⁽⁵⁾

(1) Abū Dā wū d, Sunan Abi-Dā wū d, Marriage (Kitā b Al-Nikā ḥ), Book 11, Number 2088

(2) Translation of Sunan Abi-Dā wū d, Marriage (Kitā b Al-Nikā ḥ), Book 11, Number 2091

(3) Imā m Bukhā rī , Kitabun Nikah, Chapter, if a man gives his daughter in marriage while she is averse to it, then such marriage is invalid, No:5138

(4) Al-Nasā ’ ī , Ahmad bin Shu’ayb. Sunan Nassai, Kitā b Al-Talā q, Bā b mā jā ’a fil khula’. Lahore: Makatabah Rahmā niya, 2004 , vol: 2, p. 77

(5) Niyā z Muhammad, Kū lsū m Bī bī , Women's Consent in Marriage: A Critical Study in Islamic Perspective, paper published in Peshawar Islamicus, July-December 2012, University of Peshawar, Pakistan, p: 45-56

The Marriages of Holy Prophet (S.W.A):

There are differences of opinions among scholars as to the actual number of the Holy Prophet's (S.W.A) wives. Famous orientalist Gerhard Nehis and Walter Eric has the opinion that Muhammad (S.W.A) had thirteen women ⁽¹⁾, while Kenneth Boa described the number between 10 to 12 ⁽²⁾. Similarly, J. J. Saunders put the number between ten or twelve. ⁽³⁾ However, It is clear that the Holy Prophet (S.W.A) had eleven wives and one concubine. ⁽⁴⁾

The Holy Prophet (S.W.A) married Haḍ rat Khadija Tul Kubra (May Allah be pleased with her) at the age of twenty-five years. This was his first marriage. It was Haḍ rat Khadī jah Al-Kubrā (May Allah be pleased with her) who sent the proposal herself by Haḍ rat Nafī sah and Haḍ rat Muhammad accepted it. ⁽⁵⁾ Haḍ rat Sawdah Bint-e-Zam'ah (May Allah be pleased with her) was the second wife of the Holy Prophet and He (S.W.A) sent her the message for nikā ḥ himself by someone. ⁽⁶⁾ Haḍ rat Umm-e-Salmā (May Allah be pleased with her) narrated that The Holy Prophet (S.W.A) came and requested her for marriage. She replied that she was an old woman, a mother of the orphans and unable to accept his other wives. The Holy Prophet (S.W.A) however, convinced her and got her consent for marriage. ⁽⁷⁾ Haḍ rat Juwayriyah (May Allah be pleased with her) was a captive and became the concubine of Thā bit Bin Qays (RA). However, she made an agreement of freedom after a certain payment to her master. The Holy Prophet asked her that He was ready to pay the required amount for her freedom if she agreed to marry Him.

Haḍ rat Juwayriyah (May Allah be pleased with her) accepted the offer and got married with The Holy Prophet (S.W.A). ⁽⁸⁾ In short, it is cleared that most of the marriages of The Holy Prophet (S.W.A) were conducted with the mutual agreement between the spouses. Islam does not allow coercion and

(1) Nehis, G. and Walter Eric, *Reach out: A Guide to Muslim Evangelism*. Life Challenge, Nairobi, 1994, P:4

(2) Boa, Kenneth, *Cults, World Religions and You*. Victor Books, Chicago, 1986, P:51

(3) Saunders, J.J., *A History of Medieval Islam*. Routledge and Kegan Paul, London, 1965, P:35

(4) see: Muhammad Salī m, Hafiz, Justification of the marriages of the Beloved Holy prophet, paper published in Pakistan Journal of Islamic Research Vol 9, 2012, P:1-20

(5) Muhammad bin Sā d, Ṭ abqā t ibn e Sa'd, translated by Mawlā nā Rā ghib Rā hmā nī , Nafī s Academy, Karachi, 1987, Vol: 8, PP-31

(6) Ibid: PP-76

(7) Ibid: PP-121

(8) Abdul Rahmā n Ibn Khaldū n, Tarikh ibn e Khaldū n, translated by Hakī m Ahmad Husayn, Nafī s Academy, Karachi, 2003, Vol: 1, PP-175

compulsion in any way specifically in marriage; when two people start living together for the whole life.

Marriages in Pakistani Culture:

If we analyze the Pakistani society, this comes clear that the marriages are decided and rejected with the acceptance and rejection of the parents or guardians. This is not a condemnable rather a good manner of moral character, which shows the obedience of new generation before their parents or elders as taken with respect to them. This is also a sign of a good training, which is given by the parents or guardians to their children from the initial stage of their life. Islam also consider a Walī a sincere helper and protector who guard the integrity and prestige of spouse. ⁽¹⁾ However, it must also be considered that Islam gives a right of liking and disliking to man and woman to choose or select his or her life partner. The bride and groom are the real persons in this marriage contract. That is why, their (bride and groom) consent and happiness is essential for their future. In many cases it has been noticed that the bride and groom was forced for marriage. This practice is very common in the rural areas of Sindh, Punjab, Baluchistan and Khayber Pakhtū nkah, that the decision about marriages are taken by parents or elders and do not give any importance to the wish of their offspring wholly or partially. Female is the most victimized part of these unpleasant decisions. Mujā hid Al-Islam says very right that “Sadly, there is very less weight age of likeness and consent of female from society, sometime marriage is decided without the consent of female and even oppression by the Walī . It is a fact that the female has been deprived of from the Right to choose her life partner in our society especially in rural areas”. ⁽²⁾ Resultantly, new generation adopts other ways i.e. court marriage, eloped marriage and love marriage etc., to achieve their wish and dream. Following are a little bit explanation of abovementioned nontraditional ways.

(i) Love Marriage:

Although arranged marriage is still the custom and practiced generally in sub-content ⁽³⁾ and Love, liking and loving association before matrimony not encouraged and the desire for a love-marriage often encounters strong

(1) Sakrodhvi, Jamī l Ahmad, Ashraf Al-Hadā ya, An explanation of Hidayah, Kitā b Al-Nikā h , Dā r Al-Ishā ‘at, Karachi, 2009, pp. 49

(2) Mujhahid Al-Islam Qasimī , Laṛ kay aur Laṛkiyū kay Nikā h ka Ikhtiā r, Idarah Al-Qur’ā n, Karachi, 1999, PP-5

(3) Mullatti, L. (1995). “Families in India: Beliefs and realities” *Comparative Family Studies*, vol. 26, no. 1, pp. 11-24

displeasure from parents ⁽¹⁾, love marriage is becoming a frequent occurrence now a day, mostly in urban areas. Family members usually resist and disapprove such type of marriages and sometime even kill the spouse.

Shaguftah was twenty-year-old girl and married the man she loved but the parents had disapproved it. She was gunned down by her brother when she was going to her job in a bus. ⁽²⁾ Murtaḍ ā Buro belong to Jam Colony of Hyderabad and had love marriage with Shā ziya Jamā lī in 2016. He was killed by unknown person on 10th of this November 2016 when he was going to school on Rickshaw to drop his kids. ⁽³⁾

(ii) Eloped Marriage:

Eloped marriage is a practice rising rapidly in Pakistani culture. When a girl leaves her house suddenly with her lover without the consent of her parents and gets married, it is called elopement and such way is named as eloped marriage. It usually occurs as a result of arranged marriage or in disobedience to parents' dislike of a favored suitor. The recent incident happened in a village of Mā nsehraḥ “Riyan Banda Oghi village” on 29th August 2016.

An official of Oghi police told *The Express Tribune* on Sunday that an 18-year-old daughter of Jan Muhammad went missing from her house. Police registered a case on the complaint of the orphan girl's guardian, Riyā z, who is also her cousin, against Amin and five others from the same village. However, on Saturday, the girl appeared before the court of the Oghi magistrate and said she was engaged to her relative Amin from early childhood, but her cousin Riyā z was determined to marry her to his younger brother. However, she was not+ ready for the union and thus left the house with Amin. ⁽⁴⁾

(iii) Court Marriage:

Court marriage, also known as registered marriage, is a legal way of solemnizing a relationship. It takes place across different countries as per the marriage laws and legal procedures of that country. Opting for a court marriage is a growing trend among the Pakistani community. ⁽⁵⁾ It is usually

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- (1) Grover, S. (2009). “Lived experiences: Marriage, notion of love, and kinship support amongst poor women in Delhi” *Contributions to Indian Sociology*, vol. 43, no.1, pp. 1-33)
 - (2) Hinā Jilā nī , Relatives with blood on their hands, Published Sep 10, 2010, retrieved from <http://www.dawn.com/news/561976> on 23/12/2016
 - (3) Monthly Juhd e Ḥ aq, Published by HRCP, December 2016, PP-25
 - (4) The Express Tribune, September 5, 2016
 - (5) Paratham (2011). Court Marriage, retrieved from <http://www.marriage.co.in/court-marriage.html> on 17-12-2016

considered a last choice for couples when they believe that their parents may not support of their plans to marry.

Customary Practices related to marriages and Pakistan

There is another tragedy that the customary practices are more powerful and effective than state laws in Pakistan. Therefore, it is hard to maintain that an individual is permitted to deal with family matters autonomously especially associated with the issue of marriages. Parents or guardians usually use their authority as a Walī and make the decision of marrying their children without their consent through child marriage, exchange marriage, marriage with Holy Qur'ān or even by force. Exchange marriage is a custom structure that offers social protection of the society in a country which otherwise is incapable to offer such type of security to its public. That is why it finds support from the community. The exchange (Watta Satta) weddings are restricted to close relatives, i.e. cousins and similar caste and ethnicity in Pakistan. ⁽¹⁾ The caste weddings, child marriages, consanguineous and forced marriages have not only been produced by this Watta Satta marriages, but it also the result of domestic violence and crimes of honor in the society. ⁽²⁾

Similarly, Vannī is another cruel custom of marriage in Pakistan. Female even babies in their cradles are given at weddings as compensation for the offenses committed by their men folk. The term “Vannī ” means to give the women in the wedding or exchange marriage to the aggrieved party to resolve the bloody dispute. ⁽³⁾

The above mentioned approaches seems to increase that is causing unlimited problems among and for the society as Hafiza Shahida said that “The choice of female or male is not taken into account. Forced marriage, mismatched and dislike marriages are causing an increase in the stack of issues. ⁽⁴⁾

The Prevention of Anti-Women Practices (Criminal Law Amendment Bill 2011) protects the women's right under Section 498B. It clearly states that the person who will force any woman to wed will be punished with imprisonment which will not be less than three years and will be liable to fine of 500,000 rupees. And the person who will force a woman for marrying with

(1) Muhammad Zamā n, “Socio-cultural Security, Emotions and Exchange Marriages in an Agrarian Community”, South Asia Research, Vol.28 (3), 2008

(2) Muhammad Zamā n, Exchange Marriage System and Muslim Family Laws in Pakistan, Pakistan Journal of History and Culture, Vol. XXXIII, No. I, 2012, p:11

(3) Arshad Munī r and Ghulā m ‘Alī Khā n, A Social Custom “Vannī ”: Introduction and Critical Analysis, AL-ADWA, 40:28, P: 37-44

(4) Hā fiza Shā hida Parvī n, ‘Aṣ rī masā il aur Islā mī ta’lī mā t, Punjab University, Lahore, 2013, PP-70

Holy Qur'ān will be punished with imprisonment that will not be less than three years and five 500,000 rupees.¹ The main purpose of the above mentioned law is to defy all these ruthless practices in the society.

Rigid Attitude from both ends regarding marriage contract

In Pakistani Society, Parents consider themselves the sole authority to contract the marriages of their children. If sometime they enquire about the consent from the female, but need a positive response from her.² Sometimes parents show cruelty and selfishness for their children and want to bring such an obedient daughter (s) in law for their son (s), who can serve them like a servant whole day without complaining. Over here the parents ignore happiness and gladness of their offspring and do not think about their wishes. When the temperament or nature of the two persons will not match, resultantly, quarreling with each other will be started and love as well as harmony will be destroyed. It is such a big issue of Pakistani society, which directly affects the lives of the woman being considered like a weak entity. That is why; she affects more by this practice. This is a fact that it doesn't count in the realm of Islamic teachings. It is only a social and cultural practice, which is spreading the negative effects rapidly in public/people.

On the other hand, the young generation is also not taking care of the efforts and pains faced by the parents since their birth. They are becoming selfish but even egoistic related to their future. They consider themselves more intelligent and smart in camper to their parents and thus want to decide about their life partner themselves.

A Moderate Solution

It is clear that the Walī and female has the equal right of approval and consent related to marriage issue. When a Walī shows extremism in his authority, we see the result in kind of forced marriage, exchanged marriage, vannī marriage etc. But when he shows negligence in fulfilling his responsibilities, the result comes in shape of love marriages, eloped marriages, court marriages etc.

The simple solution in this situation is that “If there is a difference of opinion between Walī and girl, the Walī should convince her by explaining the ups and down of the life. In other case, he should marry her according to her own will”.⁽³⁾ There is a similar point of view by Allā ma Anwar Shah

(1) Navī da Norī n, Dr. Razia Musarrat, Protection of women rights through legal reforms in Pakistan, Journal of Public Administration and Governance ISSN 2161-7104 2013, Vol. 3, No. 4, P:130

(2) Hā fiza Shā hida Parvī n, ‘Aṣ rī masā il aur Islā mī ta’lī mā t, Punjab University, Lahore, 2013, PP-145

(3) M. Iqbāl Kailā nī , Nikā ḥ kay masā il, Hadī th publications, Lahore, 1996, PP-25

Kashmī rī that Walī should be directed to get consent from female and female should be instructed to involve the Walī in her matter, so that female may not become a test for male and male may not be so strict on her.⁽¹⁾

Conclusion:

Marriage is a serious and sensitive issue of our society; therefore, Islam gives right to man and woman to choose or select his/her life partner. This contract is a lifetime contract; therefore, the acceptance of the bride and groom is essential. Islam does not ignore the importance of parents too. But it does not mean that they are the only authority to decide on the fate and future of their children. Pakistani Law also prohibits the forced and other marriages which are illegal, inhuman and un-Islamic and allows a man and woman to choose his/her partner.



(1) Allā ma Anwar Shā h Kashmī rī , Faizul Bā rī ‘alaa Saḥ ī ḥ Al- Bukhā rī , Al-Majlis Al-‘Ilmi, Cairo, 1938, Vol: 2, PP- 287